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Via Email & First Class Mail

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Attorney General's Office
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**Re: New Ventures Associates, LLC; Crow Lane Landfill, Newburyport, MA;
Compliance with Section 9; Punchlist; Return to Closure**

Dear Attorney Ireland and Mr. Carrigan:

This letter is a follow up to our lengthy telephone conference on Tuesday, June 5, 2007 with respect to the continued prohibition against closure of the Crow Lane Landfill by the Attorney General's Office and the Department of Environmental Protection. The Department of Environmental Protection issued a letter dated April 12, 2007 which alleged a number of deficiencies with respect to the operation of the Landfill closure. In the intervening time, we have provided your office and the Department with materials requested in your letter and have also repeated on many occasions that the Department's actions will result in not being able to complete the closure within the agreed time frames.

As I have stated previously, the issues raised by the Department that do not relate to allegations of odor and its subsequent sanctions will result in increased potential for complaints, and the inability to close the Landfill on the agreed upon deadlines. I hereby respond to the Department's punchlist following discussions with the Project Manager and the Engineer and my visit to the Landfill on this date:

I. Pretreatment Vessels.

A. The three (3) containers are not joined permanently.

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Response:

Paragraph 1(d) of the Order requires that New Ventures comply with Appendix A. Appendix A requires two (2) parallel pre-treatment vessels with a third polishing vessel. There are three vessels on site for the permanent pretreatment system. Presently, there are six valves that are attached to the Landfill gas collection and discharge system. Each of these valves represents an outlet and an inlet for the three (3) tanks. As noted early on, two tanks are used at each time, the first for the primary sulfur removal and the second for polishing. The third tank was on site and when one of the tank's media is spent, the second vessel provides treatment while the third vessel is connected. The spent media vessel is disconnected from the system and is then taken away for the media disposal. In this way, we met the requirement for the parallel vessels. The intent of the Order was to ensure that there are three vessels to allow for a seamless substitution of vessels without turning the system off. This was accomplished under the existing system. Following our conversation, we connected the third vessel to the valve system. The pretreatment system will run the same.

B. There is no alarm system connected to the condensate tank.

Response:

This is incorrect. An alarm was installed in the condensate tank as shown on the plans. I verified the location of the alarm this morning.

C. The flexible pipe that connects to the condensate tank must be at an angle and presently hangs in the middle which causes pooling rather than a direct discharge to the condensate tank.

Response:

The piping from the system to the condensate tank utilizes flexible pipe which is directed to the condensate tank. The angle exceeds five (5%) percent.

D. Performance can be enhanced.

Response:

The Order states clearly that the performance standard for the pretreatment system is the 95% H₂S destruction threshold. With minor exception, this threshold is met on a continuing basis as reflected in the reporting.

II. LEACHATE

- A. Tank 4 at the southwest corner has not been pumped in some time and is more than 75% full. Tanks 5 and 3 are not pumped regularly.**

Response:

As noted several times, keeping up with leachate on the southeast corner is an ongoing process due to the interception of groundwater. However, as predicted in the Leachate Plan, the amount of leachate has decreased substantially with the closure of the area above the southwest corner. Tanks 1, 2, 3, and 5 have been pumped also.

- B. There is a causal connection between seepage and the failure to maintain the leachate tanks.**

Response:

This connection has not been shown. First, as the Department is well aware, collection tank 4 is at an elevation far below the southwest corner grade. In order for the leachate from the collection tank to be a source of any breakouts, it would have to collect around the outside of the tank and back up twenty-five (25') feet in order to be the source of any breakout at the Landfill. Seepage potential will be removed once the work continues and the berm can be constructed and final closure achieved in this southwest area. Until the Department allows the berm work to go forward, there will be instances of seepage breakout that are unrelated to tank 4 maintenance.

III. TARPS

- A. The tarps did not cover all of the inactive areas and do not overlap.**

Response:

The tarps have been placed on the Landfill by the Haul Road and along Crow Lane on all inactive areas and overlap. In fact, following our discussion, additional tarps were placed to cover the areas. I observed the areas tarped today.

- B. The tarps are not secured adequately.**

Response:

As has been repeated often, tarps are not required at any other landfill facility in the Commonwealth of Massachusetts. New Ventures has used a variety of measures to secure the tarps including trenching. However, due to high winds, that has been difficult to maintain. The

tarps are secured by sandbags which is the most efficient manner of security and will be maintained.

C. The failure to maintain the tarps causes odor.

Response:

We are unaware of any causal connection between the tarps and any odor complaint. Readings have been taken following the limited complaints for odor that have been reported to the Landfill recently. The Order requires that representatives of the Landfill must respond to complaints and take H²S measurements. New Ventures complies with this requirement. The readings off-site have been below detectable on almost all occasions. There was an anomaly several weeks ago with a breakout in an unlined area which was resolved on a timely basis and that was not related to the tarps.

On another note, I reviewed the downloaded Jerome Meter readings from the Woodbury meter and the Landfill meter for the times that were the subject of yesterday's complaints in the morning and afternoon. The readings (which are every 10 minutes) were at zero (0) or non-detectable for both meters for the times in question.

IV. FML CONTRACT

There is no FML contract.

Response:

Under separate cover we have informed you that we disagree that the Order requires an FML contract for the Landfill area that has not been approved for completion.

The FML contract will be bid once the final grading and shaping plan of the remaining Landfill has been approved by the Department. As previously stated, based upon the Department's opposition to the horizontal collection system, we will not be constructing the horizontal gas extraction system in the final phases of the Landfill. Instead we will be returning to the original design using vertical wells for extraction. This will be reflected in the revised CAD drawings that are scheduled to be submitted within the next week by SITEC. New Ventures will agree to put the FML contract out to bid no later than fourteen (14) days after the approval of the plans by the Department.

CONCLUSION

New Ventures entered into an agreement in October 2006 that contemplated the closure, capping, loaming and seeding of the Landfill within one year. Since that time, the Department has closed the facility on two different occasions for items unrelated to alleged odor generated by

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the Landfill. The issues raised by the Department have been addressed and do not rise to a reason to stop the closure. We are concerned that the prohibition is a delay tactic for some other agenda.

For the aforementioned reasons, New Ventures is in compliance with the requirements of the Order and we are prepared to go forward and resume bringing C&D materials to the Landfill commencing on Friday, June 8, 2007. Notice has been provided to the City.

We look forward to meeting with you next week to discuss the berm and working towards a final closure date.

Thank you.

Sincerely,

Richard A. Nylan, Jr.

RAN/kad

cc: Mr. William Thibeault
Mr. Michael Quatromoni
Mark R. Reich, Esq.
Christopher M. Jantzen, Esq.

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